

City of Brunswick, Maryland

Subdivision Regulations

Adopted 1967, Reprinted 1985
Revised and Amended 2000 and 2003

Mayor and Council

Carroll Jones, Mayor
J. Brent Bell
James R. Castle
Debbie Greenfield
Joseph Harrington
Thomas Smith
Walt Stull

David Dunn, City Administrator

Planning Commission

Ed Gladstone, Chairman
Don Krigbaum, Vice Chairman
Connie Koenig, Secretary
Walt Stull, Ex Officio
Wayne Dougherty
Ellis Burruss, Alternate

Richard L. Stup, Planning and Zoning Administrator
Carole Larsen, Frederick County Planner

Board of Appeals

Wayne Hawes, Chairman
Dawn Page, Vice Chairman
Barbara Jean Baker, Secretary
Patricia O'Brien, Alternate

This document was prepared with the assistance of the staff of the Frederick County Planning Commission, under the Local Planning Service Program of the Frederick County Board of County Commissioners.

Frederick County Planning Staff

Eric Soter, Director
Larry Smith, Zoning Administrator
Edward Gorski, Chief of Comprehensive Planning

TABLE OF CONTENTS

<u>Chapter</u>		<u>Page</u>
ARTICLE 1	IN GENERAL	1
Section 1.1	Title	1
Section 1.2	Authority	1
Section 1.3	Jurisdiction	1
Section 1.4	Intent	1
Section 1.5	Definitions	1
Section 1.6	General Requirements	10
ARTICLE 2	PROCEDURES	11
Section 2.1	Meet Minimum Requirements	11
Section 2.2	Submission of Preliminary Plan of Subdivision	11
Section 2.3	Improvement Plans	12
Section 2.4	Approval of Final Plat	12
Section 2.5	Completion or Guarantee of Improvements	13
Section 2.6	Sale of Lots and Houses	13
Section 2.7	Building Development	13
Section 2.8	Public Release	13
ARTICLE 3	DESIGN STANDARDS	13
Section 3.1	General	13
Section 3.2	Reserve Right-of-way	14
Section 3.3	Improve Adverse Physical Conditions	14
Section 3.4	Street Design Standards	14
Section 3.5	Street Names	14
Section 3.6	Minimize Impact of Railroads	14
ARTICLE 4	IMPROVEMENTS	15
Section 4.1	General	15
Section 4.2	Minimum Requirements	15
Section 4.3	Improvement Plans	16
Section 4.4	Inspection and Acceptance	16
ARTICLE 5	PRELIMINARY PLAT	16
Section 5.1	General Style and Form	17
Section 5.2	Information as to Existing Physical Conditions	17
Section 5.3	Information as to Proposed Development	18
ARTICLE 6	FINAL PLAT	18
Section 6.1	General Style and Form	18
Section 6.2	Graphic Information	19
Section 6.3	Certificates and Other Information	20
ARTICLE 6A	ADDITION PLAT	20
ARTICLE 7	ADMINISTRATION	23
Section 7.1	General	23
Section 7.2	The City Planning Commission	24
ARTICLE 8	MODIFICATIONS AND EXCEPTIONS	24
Section 8.1	Hardship	24

Subdivision Regulations of the City of Brunswick

ARTICLE 9	FEE SCHEDULE	24
Section 9.1	General	24
ARTICLE 10	AMENDMENTS	25
Section 10.1	General	25
Section 10.2	Amendment Procedure	25
ARTICLE 11	SAVINGS CLAUSE	25
Section 11.1	General	25

Article 1. IN GENERAL

1.1 Title:

This chapter shall be known and cited as the Subdivision Regulations of the City of Brunswick, Maryland.

1.2 Authority:

This chapter is established in accordance with the provisions of Article 66B of the Annotated Code of Maryland.

1.3 Jurisdiction:

In accordance with the authority granted by Article 66B of the Annotated Code of Maryland as amended, the City of Brunswick, Maryland adopts this ordinance, governing the subdivision of all lands within the corporate limits of the City.

Developments bordering the corporate limits shall be referred to the Frederick County Planning Commission for comment.

1.4 Intent:

In the best interests of the City of Brunswick and to assist the subdivider in harmonizing his interests with those of the City of Brunswick, the following regulations are adopted in order that adherence to same will bring results that are beneficial to both parties. It is deemed necessary to establish minimum standards for the design and development of all new subdivisions in order to eliminate piecemeal planning, insure sound community growth, assure and safeguard the provision of quality facilities, protect the interests of the homeowner, the subdivider, and the local government.

It shall be the duty of the Brunswick Planning Commission to require that all regulations set forth in this ordinance be complied with, before giving their approval to subdivisions as defined herein. It is the purpose of this ordinance to make regulations and requirements for the platting of land, which the City Council of Brunswick deems necessary for the health, safety, and general welfare of the citizens.

1.5 Definitions:

- A. The following definitions shall apply to the text of these regulations:
 - 1. The particular shall control the general.
 - 2. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary table or an illustrative table, the text shall control.
 - 3. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.

4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural implies the singular, unless the context indicates the contrary.
 5. A "building" or "structure" includes any part thereof.
 6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
 7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
 8. The word "he" shall also be read as "she."
 9. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events may apply separately or in any combination.
 - b. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply separately but not in combination.
 - c. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or characters.
 10. All terms defined under various sections of the City Zoning Ordinance, Adequate Public Facilities Ordinance, Design Manual, and where occurring in these regulations, shall have the meanings specified in the zoning ordinance, except where specifically defined in these regulations.
 11. The word "City" means the City of Brunswick, Maryland. The word "County" means Frederick County, Maryland. The word "State" means the State of Maryland. The term "county boundary" means any exterior boundary of the City.
 12. Throughout these regulations all other words, other than the terms specifically defined herein, shall have the meaning implied by their context in these regulations or ordinarily accepted definitions.
- B. As used in these regulations, the following terms shall be defined as follows:
- Adequate Public Facilities Ordinance (APFO):** City of Brunswick Ordinance, which sets forth standards and criteria to determine adequacy of public facilities and services for development.
- Agricultural activity:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry. The above uses shall not include the business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments.

Alley: A right-of-way of narrow width publicly owned and maintained and used principally as a means of secondary access to the side or rear of abutting properties.

Alley, private: A right-of-way of narrow width privately owned and maintained and used principally as a means of secondary access to the side or rear of abutting properties.

Amendment: Any repeal, modification, or addition to a regulation; any new regulation.

Block: A tract of land within a subdivision that is entirely bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines of the City.

Boundary survey: The determination of boundaries and areas of tracts of land including the re-establishment of original boundaries, and the establishment of such new boundaries as may be required in the partition of the land. Ownership, commencing with the earliest owners, and descending through successive ownerships and partitions usually defines Land boundaries.

Building development: The improvement of land by the addition thereto of structures for residential, commercial or industrial uses.

Building envelope: The area formed by the front, side and rear building lines in which the principal buildings must be located.

Building line: A line beyond which, the foundation walls and/or any enclosed porch vestibule or other enclosed portion of a building or structure shall not project equal to the depth of the minimum required yard for the zoning district in which the lot is located as established by the Zoning Ordinance of the City. The handle of a panhandle lot shall not be considered in determining the location of the building line.

Building Restriction Line: A line beyond which the foundation wall of any building or structure or portion thereof shall not project, as determined by the setback requirements of each particular zoning district. No building/structure or portion thereof shall project beyond the building restriction line, with the exception of architectural features as defined in these regulations, the Zoning Ordinance and Design Manual.

Capital improvements program: An annual document prepared by the City indicating city capital projects having an authorization for the current fiscal year and those capital projects which are currently planned for the following five year period.

City Engineer: The professional engineering firm under contract with the City of Brunswick. The City Engineer will serve as the technical authority on all matters requiring a certified engineer.

City Planner: The staff position established by the City of Brunswick.

Combined preliminary/final plat: The final drawing, for subdivisions from one to five (5) lots, upon which the subdivider's plat of subdivision is

presented to the planning commission for approval along with certain information normally shown only on the preliminary plat and which, if approved, will be recorded in the land records of the county.

Common driveway: A travelway shared and maintained by two (2) or more property owners for the purpose of providing ingress and egress to their properties.

Comprehensive development plan: A composite of mapped and written proposals to guide the systematic physical development of the City, adopted by the Mayor and Council, including all changes and additions thereto made under the provisions of Article 66B of the Annotated Code of Maryland. The comprehensive development plan includes a land use plan, a transportation plan, a community facilities plan, a recreation plan and other attendant facility plans.

Condominium: A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air and privacy. A condominium has all of the following characteristics:

- a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant;
- b) The unit may be any permitted dwelling type;
- c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the state and other requirements specified in the City code regarding such open spaces.

Corner lot: see "lot types."

County: Frederick County, Maryland.

County Comprehensive Plan: The officially adopted master plans for the comprehensive development of Frederick County, or any part of such plan or any amendments thereto.

Crosswalk: A pedestrian crosswalk, affording means of pedestrian travel from one side of the street to the other.

Cul de sac: A short residential street having but one end open for vehicular traffic, the other being permanently terminated by a turnaround for vehicles.

Dedication: The deliberate setting aside or appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department of Public Works: The City of Brunswick Public Works Department (in the person of the Director of Public Facilities).

Design Manual: Those manuals for the construction of all public improvements as approved by the Mayor and Council adopted October 2000.

Developer: An individual, partnership or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by these regulations, particularly the designing of a subdivision or development plan or plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of the project may vary.

Development: The area of land which is subject to a change in use (preliminary plat or site plan approval) or the expansion of an existing use, and which is subject to subdivision or site plan review.

Double-frontage lot (through lot): see "lot types."

Easement reservation: A strip of land extending along a property line or across a lot, for which an easement has been or is to be granted for a specific purpose or purposes. All easement reservations are to be maintained in perpetuity for intended purposes unless otherwise noted on the record plat.

Final Plat: The final map, drawing or chart upon which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted for recording among the land records of Frederick County.

Floodplain: The land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood and those areas defined by the Department of Housing and Urban Development (HUD), Flood Insurance Rate Map (FIRM), and in Natural Resources Conservation Service (NRCS) Soil Survey maps.

Frontage: see "lot frontage."

Front lot line: see "lot line, front."

Grading Plan: A horizontal plan graphically showing to scale lot lines with dimensions, proposed and existing roads, existing and proposed topography, limit of proposed cut or fills, proposed and existing drainage structures, drainage patterns, proposed and existing driveways, etc., within the area disturbed due to physical improvements associated with the subdivision process.

Gross area: All area within a subdivision plan or plat including that intended for residential use, steep slopes, local access streets and alleys, off-street parking spaces, subdivision recreation sites, and floodplains.

Gross acre: A commonly referred to measure of gross area. See also "gross area."

Gross density: The number of dwelling units per gross acre of a subdivision or land development.

Health authority: The deputy state health officer for the County or his duly authorized representative, having jurisdiction over the City health.

Improvement plan: A plan that graphically depicts to scale the physical improvements to land in the subdivision process.

Improvements: Changes and additions to land necessary to prepare it for building development sites, future use and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, and other public works and appurtenances.

Land survey: see " boundary survey."

Lot: A parcel or portion of land separated from other parcels or portions either by description as on a subdivision plat, or a recorded survey map, or by metes and bounds, for the purpose of transfer, sale, lease or other changes in ownership or use.

Lot area, Net: The total horizontal area included within the rear, side and front lot lines excluding any streets.

Lot depth: The mean horizontal distance between the front and rear lot lines of a lot.

Lot frontage: The length of the front property line of the lot, lots or a tract of land abutting a public street, road or highway.

Lot line, Front: The lot line or lines abutting a road, except in cases of panhandle lots, in which case the handle shall not be counted; and the front lot line shall be that line determined to be closest to being the most parallel to the street on which the lot has frontage.

Lot line, Rear: The lot line or lines generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, such rear lot line is assumed to be a line not less than ten (10) feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

Lot types: The following terminology is used in these regulations with reference to various types of lots:

- (1) **Corner lot:** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (2) **Double-frontage lot:** see "lot types, through lot."
- (3) **Interior lot:** A lot (other than a corner) with only one frontage on a street other than an alley.
- (4) **Outlot:** A parcel of land within a subdivision, which has been included on a preliminary plat or a final plat, but not designated as a buildable lot. Establishment shall only be due to the necessity of providing access to adjoining properties, a continuation of appropriate street patterns, approved governmental use, and those uses defined as "essential services" in the Zoning Ordinance.

- (5) **Panhandle lot:** A polygonal shaped lot with the appearance of a "frying pan" or "flag and staff" in which the handle is most often used as the point of access to a street or road. The "handle," when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required area or delineating the minimum required "building envelope." The handle must also be of a uniform width.
- (6) **Through lot:** A lot other than a corner lot with frontage on more than one street other than an alley.

Master Plan, City: see "Comprehensive development plan."

Minimum lot frontage: As established by the Zoning Ordinance, the least permissible width of a lot line abutting a street.

Minimum lot width: A building line, the least permissible width of a lot measured horizontally along the front building line.

Minor subdivision: Any subdivision containing not more than five (5) lots off the original tract (not including the remaining parcel).

Net area: see "lot area, net."

Outlot: see "lot types, outlot."

Owner: The person, partnership, corporation, company or other legal entity holding current legal title.

Performance Guarantee: A letter of credit or cash deposit made out to the City in an amount equal to the full cost of the improvements, which are required by this ordinance, being legally sufficient to secure to the City that said improvements will be constructed in accordance with this ordinance.

Planning Administrator: see "City Planner."

Planning and Zoning Department: A department within the City government that performs the administrative function for the Planning Commission and other functions as directed by the Planning Commission, City Administrator, or Mayor and Council. The principal point of contact will be the City Planner.

Planning Commission: Duly appointed Planning Commission of the City of Brunswick, Maryland.

Preliminary plat: The preliminary drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Principal structure: That construction or assembly of materials which combines to form an occupiable building, dwelling or dwellings, the intent of which is to provide for the main function of the principal structure. Accessory buildings attached to principal structures either directly or by breezeway will also be considered principal structure.

Private alley: see "alley, private."

Private court: A privately owned vehicular right-of-way in multifamily residential developments designated for ingress, egress and parking.

Public: "open to common use," whether or not public ownership is involved.

Public improvements: Any of the following: street pavement, with or without curbs and gutters, alley pavement, sidewalks, bridges, crosswalks, water mains; sanitary sewers, storm drainage systems and stormwater management facilities, with appurtenant construction; screen planting, street trees, street lighting and street signs.

Public works agreement: A contract between the developer and the City, to complete the necessary improvements in accordance with approved plans and specifications by a given date. Such contract to be guaranteed by a certified check, cash or an irrevocable letter of credit from a bank or other accredited institution, or other means as approved by the Mayor & Council.

Rear lot line: see "Lot line, rear."

Reservation: The assignment of land by a subdivider for a specified use, to be held by him for that use and no other to a future time.

Resubdivision: A further subdivision or modification of an existing subdivision either previously approved by the Planning Commission and recorded or recognized by the Planning Commission and recorded in either the land or plat record of the County. Resubdivision or modification of existing lots shall conform with the current zoning of the property, the comprehensive development plan, and shall fully conform with the subdivision regulations.

Right-of-way: A strip of land designated for the use of a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

Road: A public route designated specifically for motor vehicle travel, including streets, highways, avenues, bridges and segments thereof.

Service road: A road not serving as a collector road, but merely providing access to properties fronting on a highway, which road is contiguous and parallel to the major highway. Adjacent here shall mean that no structure shall be built between the service road and the major highway.

Setback: see "building line."

Site development plan (Site Plan): The plan indicating the location of existing and proposed buildings, structures, paved areas, stormwater management, walkways, vegetative cover, landscaping and screening with a site proposed for development. The plan that is to be submitted to the Planning Commission for approval prior to the release of building permits on the site.

Sketch plat: A sketch indicating to the planning department the subdivider's general objectives and desires in regard to the future development of land.

Stabilized surface: Consists of an aggregate base course that has been treated with a bituminous emulsion seal coat. The bituminous emulsion seal

coat is then covered with a layer of stone chips. This surface is typically referred to as a tar-and-chip surface and is commonly applied in a two-step field process. This surface is not eligible for striping.

Steep slope: Areas that contain slopes over twenty-five (25) percent and are characterized by increased run-off, erosion and sediment hazards.

Street: An improved right-of-way dedicated to public use, which serves as a primary access to abutting lands.

Street, Collector: A street which, in addition to providing ingress to properties abutting thereon, is intended to collect traffic from, or distribute it to a series of local access streets within a neighborhood, as identified in the Master Plan.

Street, local: A street intended to serve and provide access exclusively to the properties abutting thereon, and not to be used as a channel for through traffic.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: see "developer."

Subdivision: A subdivision is any division of land for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement.

Survey plat: A drawing based on a boundary or land survey that shows accurately to scale the results of the field survey and office computations which will portray the size and shape of a certain parcel of land.

Technical Advisory Committee: In order to assist developers in getting information concerning these regulations the Planning Commission may organize a Technical Advisory Committee. The Committee shall meet at intervals necessary to enable developers to conveniently contact all departments involved. The developer shall prepare a preliminary plat before meeting with the Committee. The Committee may be composed of City staff, members of the Planning Commission, and any City, County or State department or agency concerned with development.

Travelway: The vehicle-traveled portion of any road surface, exclusive of the immediately adjacent drainage ditches, embankments, or grass shoulders not typically intended to handle daily traffic. Improved shoulders (gravel, stabilized, or paved) capable of handling occasional traffic or parking can be considered part of the travelway.

Walkway: As distinguished from a sidewalk and a crosswalk, which are incorporated in a street right-of-way, a walkway is a pedestrian right-of-way usually extending from a street into a block or across a block to another street.

Yard: An open space on the same lot with a building or group of buildings, lying between the building, or outer building of a group, and the nearest lot or street line, and unoccupied and unobstructed from the ground upward.

Zoning Administrator: The administrative officer in charge of zoning administration within the City corporate limits.

1.6 GENERAL REQUIREMENTS

- A. **Subdivider Must Prepare and Record Plat of Subdivision** -- From and after the adoption of these regulations, any owner of any tract of land located in the territory to which these regulations may apply, who creates a Subdivision, shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and with Article 66B of the Annotated Code of Maryland. After having secured the approval thereof by the Planning Commission, the subdivider shall cause a copy of the said plat to be recorded in the office of the Clerk of the Court. Any subdivision or portion thereof which may be in process of development, but has not had a plat recorded at the time of adoption of this regulation, shall also be subject to the requirements and procedures contained herein.
- B. **Approval of Plat Required** -- No plat of any subdivision shall be recorded until it shall have been submitted to and approved by the Planning Commission as provided herein. The Planning Commission shall not approve said plat unless it is satisfied that the requirements of these regulations have been complied with.
- C. **Transfer of Land -- Zoning Certificate** -- No lot in a subdivision created after the adoption of these regulations shall be transferred, sold, or offered for sale, nor shall a zoning certificate or building permit be issued for a structure thereon, until a Final Plat of such subdivision has been recorded in accordance with these regulations.
- D. **Penalties** -- Any subdivider who violates these regulations shall be subject to the penalties set forth in Section 5.05 of Article 66B, Annotated Code of Maryland, as amended (year 2000), which is as follows:

"5.05 Penalties and Remedies for Sale or Transfer of Lots in Unapproved Subdivisions.

- (a) Except as provided in §§ 14.03(c), 14.05(f), 14.06(d), and 14.07(e) and (f) of this Article, an owner or agent of an owner of land located within a subdivision who transfers or sells or agrees to sell or negotiate to sell any land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been approved by the planning commission and recorded or filed in the office of the appropriate county clerk, shall be subject to a civil penalty of not less than \$200 and not exceeding \$1,000 for each lot or parcel transferred or sold or agreed or negotiated to be sold.
- (b) The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring does not exempt the transaction from the penalties or the remedies provided in this section.
- (c) A local jurisdiction may seek to:
 - 1. Enjoin the transfer, sale, or agreement in any court of equity; or

2. Recover the penalty by civil action in any court of competent jurisdiction.”

- E. **Discrepancy** -- Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance or other official regulations of Brunswick, Frederick County, or other governmental agencies, the more severe standards shall apply.

Article 2. PROCEDURES

- 2.1 **Meet minimum requirements.** In planning and developing a subdivision, the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Article 3; with the regulations concerning improvements as set forth in Article 4 of these regulations, and the requirements set forth in the Design Manual; and in every case he shall observe the following procedure.
- 2.2 **Submission of Preliminary Plan of Subdivision.**
 - A. **The subdivider shall prepare a preliminary plat of the proposed** subdivision conforming with the requirements set forth in Article 5. At least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission 17-21 black line mylar or similar prints of the plat shall be filed with the Planning Commission.
 - B. The preliminary plat will be checked as to its conformity with the City Master Plan, the City Zoning Ordinance, and other applicable provisions, and the principles, standards and requirements hereinafter set forth. Copies will be referred to any other county or state agencies that may be concerned with public improvements or health requirements.
 - C. The Planning Commission will make a finding regarding the adequacy of public facilities related to the submission. The Planning Commission will not approve the preliminary plat unless all the public facilities are deemed adequate.
 - D. At its regular meeting the Planning Commission shall approve or disapprove the preliminary plat, or may approve it subject to specific changes or modifications. Reasons for disapproval will be noted on the plat. Approval of a preliminary plat shall be valid for not more than three years, unless extended by the Planning Commission upon a request to be granted if the Planning Commission finds that plans for and conditions in the neighborhood have not changed since the original approval. No plat shall be approved that is in conflict with these subdivision regulations, any zoning ordinances or with the Brunswick Master Plan. (Amended Ord. 404)

2.3 Improvement Plans

- A. Upon approval of the preliminary plat, the subdivider shall prepare and submit to the Planning Commission plans for the installation of improvements in accordance with the requirements of Article 4 of these regulations. All such improvements shall be designed in compliance with the standards, plans and specifications set forth in these regulations and the Design Manual. Copies of such improvement plans will be referred by the Planning Commission to the appropriate city, county and state agencies for review and approval, subject to such changes or conditions as in their judgement may be required. Said plans shall then be returned to the Planning Commission, who will then notify the developer of its approval or disapproval.

2.4 Approval of Final Plat

- A. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.
- B. The subdivider shall file with the Planning Commission, in accordance with submission procedures approved by the Planning Commission, the appropriate number of copies and original drawings identified and as instructed by the Planning and Zoning Staff. (Amended Ord. 404)
- C. Method of Approval – At the regular meeting, upon receipt of (a) recommendation of the Planning Commission staff and (b) the recommendations of a responsible official of other concerned agencies, the Planning Commission shall then approve or disapprove said final plat and, if approved, shall endorse the fact of such approval on the plat by the signature of its Chairman or Secretary, in the space to be provided therefor. No final plat shall be approved unless it is found by the Commission to conform with the preliminary plat as approved and to be in conformity with the requirements of these regulations. Reasons for the disapproval of any plat shall be stated in the records of the Planning Commission.
- D. Recording Final Plat – If approved, the developer shall then submit with the Brunswick City Planning & Zoning Administrator four (4) black line photographic mylar prints and three (3) paper prints. The four (4) mylar prints will be recorded with the Clerk of the Court of Frederick County. Brunswick's City Planning & Zoning Administrator distributes the other prints as follows: one (1) black lined photographic mylar print to the Planning Commission, two (2) paper prints to the Supervisor of Assessments, and one (1) paper print to the County Health Department. Approval of the Final Plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on said plat.

2.5 Completion or Guarantee of Improvements

Before approval of the final plat, the subdivider shall furnish to the Planning Commission one (1) of the following guarantees of construction of all public improvements required by Article 4 and as shown in the public works agreement and on approved improvement plans.

- A. Certificates from all appropriate officials that improvements have been properly and completely installed in the area to be developed from the point of ingress into the development to and in front of the lot(s) included on the final plat.
- B. Funds placed in escrow with an escrow agent located in the state of Maryland and satisfactory to the Mayor and Council with an agreement between the escrow agent and the City that the funds would be released from escrow in part from time to time as requested by the developer to pay invoices for work completed in the installation of the public improvements from the point of ingress into the development to and in front of the lot(s) included in the final plat. (Amended Ord. 404)
- C. At the option of the Mayor and Council, the subdivider may submit an irrevocable letter of credit or similar agreement from a lending institution or any recognized lender located in the State of Maryland and satisfactory to the City, guaranteeing payment for the installation of the public improvements from the point of ingress into the development to, and in front of, the lot(s) included in the final plat. (Amended Ord. 404)

2.6 Sale of Lots and Houses -- No lot shall be sold and no building permit shall be issued until a final plat of such subdivision has been approved and recorded in accordance with these regulations and provisions of Article 66B of the Annotated Code of Maryland.

2.7 Building Development – In any instance where newly provided public improvements are necessary to serve or provide access to new building development, these improvements must be completed or a satisfactory guarantee of completion must be submitted prior to approval of a final plat.

2.8 Public Release – Upon completion, satisfactory to the Mayor and Council of the public improvements required in Article 4, the elected officials shall accept by duly executed deed the land dedicated to public use and the improvements thereon.

Article 3. DESIGN STANDARDS

3.1 General – The standards of design contained herein are intended only as minimum requirements, and the developer should use standards consistent with the site conditions so as to assure a high quality, pleasant and durable neighborhood. All subdivisions shall conform to the official City or County Master Highway Plans

and any other parts of the Master Plan of the City or County, as well as the Zoning Ordinance and Design Manual of the City.

- 3.2 **Reserve Right-of-way** – When a proposed subdivision includes or abuts streets designated on the Comprehensive Plan or County Comprehensive Development Plan, the Planning Commission shall require by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads. Such dedication to public use shall be to the full extent of the right-of-way as required in the Comprehensive Plan except where the right-of-way to be dedicated is greater than a collector street, then a reservation of land to meet the right-of-way standards may be required. Before a reservation of land may be required for future dedication or acquisition for public streets, a survey plat for the location of the proposed streets must be approved and recorded in accordance with the provision of Article 66B, Section 6.01 entitled "Reservation of Locations of Mapped Streets, etc., for Dedication or Acquisition for Public Use." When a right-of-way reservation is required the Planning Commission may withhold approval for up to twelve (12) months in order to comply with Article 66B, Section 6.01. However, if the developer incorporates the recommendation of the Comprehensive Plan or the State Highway Plan and no definite alignment has been established, the Planning Commission may withhold approval of a subdivision plat for not more than one hundred eighty (180) days from the application date to permit the State Highway Administration, if they so desire, to establish an accurate road alignment.
- 3.3 **Improve Adverse Physical Conditions** – The subdivision of land subject to flooding by a one hundred (100) year storm or less as determined by the standards set by the Maryland Department of Natural Resources or its successor will not be approved. A plat of a proposed subdivision located in an area having poor drainage or otherwise adverse physical conditions may be approved, provided the subdivider agrees to make such improvements as in the judgement of the Planning Commission render the subdivision substantially safe and otherwise acceptable for residential use, and furnishes a performance bond or gives other guarantee satisfactory to the Planning Commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.
- 3.4 **Street Design Standards** — Streets shall be designed and constructed in accordance with the standards set forth in the Design Manual and these regulations.
- 3.5 **Street Names** – Street names shall be subject to approval by the Planning Commission. Names shall not duplicate or closely approximate existing street names in the County, except for extension of existing streets.
- 3.6 **Minimize Impact of Railroads** – Where land adjoins a railroad, the street plan should:

- A. Make allowance for future grade separation on streets, which are to cross the railroad, by providing extra right-of-way for such streets and by keeping intersecting streets a sufficient distance away to allow for the necessary approaches to over-or-under passes.
- B. Minimize the detrimental effects of railroad traffic by providing an appropriate street pattern and lot arrangement and by providing for lots of greater than usual depth, or providing walls, embankments strip planting or such other devices.

Article 4. IMPROVEMENTS

4.1 General – All improvements in a subdivision shall conform with the standards and specifications contained in these regulations, the Design Manual and other requirements which may be adopted by the City, or by such other governmental agencies which may have jurisdiction over each facility, as stipulated below. Nothing, however, shall be construed as prohibiting a subdivider from installing improvements of a higher type than the minimum required herein.

4.2 Minimum requirements

- A. **Roads** – All new roads and streets shall be graded and drained, base material applied, curb, gutter and sidewalks, constructed where required, surface treatment applied, utilities installed, and street name signs erected, all in accordance with the minimum standards of design and construction as set forth in the Design Manual and any other requirements adopted by the City, or may hereafter be adopted for acceptance into the System of Roads. Existing roads and streets, within a proposed subdivision, excluding highways and principal collectors as shown on the Master Highway Plan, that do not meet these specifications as to width or construction shall be widened and brought up to standard.
- B. **Drainage** – Every subdivision shall be provided with storm drains, culverts, drainage ways, or other works adequate to collect and dispose of all water originating on or flowing across the property, without inundating or damaging roads, lots or other properties. The construction of these facilities shall be in conformity with the standards and specifications of the Design Manual. The County shall review the plans of these facilities, which may be within their jurisdiction and give their recommendations to the Planning Commission.
- C. **Underground cables** shall be laid either just outside of the line or at the rear lot line within the area of perpetual easements. Phone and power lines when placed in the same trench shall have at least twelve (12) inches of packed earth between them.
- D. **Topsoil** shall not be removed from residential lots or used as spoil, but shall be redistributed to its former depth and in all cases, good soil conservation practices shall be used to prevent soil erosion and siltation during and after subdivision development.

- E. **Street signs** – A name sign of an approved design shall be erected at each new street or road intersection.
 - F. **Monuments and Pipes** – Permanent monuments shall be placed as required by the Annotated Code of Maryland. After the grading is completed, the subdivider must see that monuments are at proper locations. Iron pipes shall be set along the property lines of all streets and roads at points of intersection, curvature or tangency, and at such points along the subdivision boundaries not already marked by monuments.
 - G. **Street Lighting** – The requirements of illuminating streets and intersections within the proposed subdivision shall be required, in accordance with the specifications of the Design Manual.
- 4.3 **Improvement Plans** – Plans for the foregoing improvements shall be prepared by a registered professional engineer for review by the appropriate public authorities prior to construction. Such plans shall be sufficient to show the proposed location, sizes, type, grades, and design features of each facility, including the following:
- A. **Profiles** – Profile of each street centerline, with grades (including projections beyond the subdivision boundaries where significant), and showing water and sewer lines, manholes, culverts, streams, etc. Scale: 1 inch to 50 feet horizontal, 1 inch to 5 feet vertical.
 - B. **Cross-sections** – Typical street cross-sections for all streets, at a scale not smaller than 1 inch to 5 feet, showing width of roadway type of paving, locations and widths of curbs, sidewalks, trees, utilities, etc. Where considerable cuts or fills are required, special cross-sections shall be shown on the plan. A grading plan showing existing and proposed contours may be furnished in lieu of special cross-sections.
 - C. **Sanitary and Storm Drains** – Location plans and profiles for proposed sanitary and storm sewers or drains, with grades and pipe sizes indicated.
 - D. **Water System** – Location plan of proposed distribution system showing pipe sizes and locations for valves and fire hydrants.
- 4.4 **Inspection and Acceptance** – All construction work on improvements required herein shall be subject to inspection during and upon completion of construction by an authorized engineering representative of the City or County, and shall be subject to approval and acceptance by such representative on behalf of the City or County, if found to be in accordance with the approved plan.

Article 5. PRELIMINARY PLAT

The preliminary plat of the proposed subdivision shall comply with the following requirements and contain the following information:

5.1 General Style and Form

- A. **Provide Information** – It shall provide all the pertinent information as to existing site conditions, property ownership, and the like, that may be necessary for the Planning Commission to properly consider the proposed subdivision. This information shall be accurate and reliable.
- B. **Show Plan of Development** – It shall show the general plan of ultimate development for the property. This information should be drawn to scale.
- C. **Drawing Material** – It may be drawn in pencil or ink, on a reproducible material, and shall be at a scale no smaller than one inch per 100 feet.
- D. **Include Vicinity Map** – It shall include a vicinity map showing the location of the property and its relation to other known major subdivisions, roads, streams, etc., at a scale no smaller than one inch (1”) per 2,000 feet.
- E. **Title Information**
 - 1. Proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the County.
 - 2. Names and addresses of owner, subdivider or developer, and the designer, surveyor, or engineer.
 - 3. Description of subdivision location by streets, tract, political subdivision, etc.
 - 4. Scale, north point, and date.
 - 5. Surveyor's certification of boundaries.
 - 6. Information as to Existing Physical Conditions.

5.2 Information as to Existing Physical Conditions

- A. **Boundaries** – Boundaries of the land being subdivided in heavy outline, and the acreage therein.
- B. **Topography** – Topographic contours at five (5) foot intervals. The source of the contour data shall be indicated. Contours shall extend one hundred (100) feet beyond the subdivision boundary except across a public road.
- C. **Physical Features** – Water courses, wooded areas, floodplains, wetlands, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines.
- D. **Streets and Roads** – Locations, widths, and names of all existing roads, streets, alleys, or other public ways within or adjoining the subdivision or intersecting any street that bounds it; including those recorded but unimproved (shown by dotted lines); railroad, utility, or other rights-of-way or easements; parks, and other public spaces; subdivisions, lots, and property lines; corporate lines; the locations and outlines of permanent buildings; the owner names, liber and folio of all adjoining property.

5.3 Information as to Proposed Development

- A. **Street pattern** – Layout, widths, centerline of proposed roads, streets, alleys, sidewalks, crosswalks, and easements.
- B. **Lots** – Layout, numbering, and dimensions of proposed lots or parcels.
- C. **Open spaces** – Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance.
- D. **Street Grades** -- Tentative grades on each street.
- E. **Utilities** – Locations of existing and proposed utilities and drainage facilities, with six (6) foot easements for same on each side of rear and side property lines.
- F. **Building Setback** -- Proposed building lines along all streets, with the amount of setback indicated.
- G. **Description of Improvements** – General description of street and other improvements proposed to be installed. (See Article 4. Detailed plans for these are to be prepared after approval of Preliminary Plan.)

Article 6. FINAL PLAT

The Final Plat of the subdivision shall comply with the following requirements and contain the following information:

6.1 General Style and Form

- A. **Drawing** – It shall be legibly and accurately drawn on tracing Black line photographic mylar sheets no larger than 20" x 24" in size, and at a scale of one inch to fifty feet, or one inch to one hundred (100) feet, depending upon the size and nature of the subdivision. If more space is needed, additional sheets may be used.
- B. **Meet Platting Requirements** – It shall conform in all respects to the requirements of the Annotated Code of Maryland, which relates to the making, filing, and recording of plats. Among other things the Code requires that plats for recording must be surveyed and certified by a registered surveyor.
- C. **Title Information**
 - 1. Subdivision name.
 - 2. Location by City, County and State election district.
 - 3. Names and addresses of the owners of record, the subdivider, and the engineer or surveyor.
 - 4. Scale, date and north arrow.
 - 5. A vicinity map, to scale, showing the location within the City.

6.2 Graphic information

- A. **Boundaries** – Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half-minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in five thousand (1:5,000).
- B. **Bearings and Distances** – Bearings and distances to the nearest recorded property corners or other monuments which shall be located or accurately described on the plat.
- C. **Monuments** – The accurate locations and descriptions of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on the Maryland Coordinate System.
- D. **Adjoining Owners** – Names and locations of adjoining subdivisions and the locations and ownership of adjoining unsubdivided property.
- E. **Adjoining Roads** – Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract.
- F. **Engineering Data** – The exact and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, internal angles, point of curvature, and any other necessary engineering data; with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to minutes, except that this data need not be repeated on a series of parallel lines or lines of the same length.
- G. **Street names** – A name must be given to all new streets, drives and cul-de-sacs according to the requirements in § 3.5.
- H. **Setback Lines** – Minimum building setback lines on all lots and other sites.
- I. **Numbering** – Blocks lettered in alphabetical order, and lots numbered in numerical order.
- J. **Public Lands** – Accurate outlines or any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated.
- K. **Lot Area** – Accurate area of each lot or parcel, other than public ways.
- L. **Municipal Lines** – Accurate location of any municipal or district line transversing or closely related to the tract.
- M. **Drainage lines** – Existing and relocated courses of any water; courses traversing the tract, with the right-of-way or easement lines provided therefor.

6.3 Certificates and Other Information

- A. **Owner's Certificate** – Owner's certificate, signed and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat; also offering for dedication all streets and other ways and places intended for public use.
- B. **Surveyor's Certificate** – Certificate of the surveyor to the effect that the plat represents a survey made by him, that it is accurate to the best of his knowledge, and that all monuments and pipes indicated thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these regulations and of other applicable laws have been fully complied with. (Amended Ord. 404)
- C. **Agency Approvals** – A space shall be provided for Certificate of Approval by the Planning Commission and County Health Department. In case any part of the subdivision is located within the jurisdiction of any municipality which adopted subdivision regulations under the authority of Article 66B of the Annotated Code of Maryland, an additional space should be provided for Certificate of Approval by the Planning Commission of the said municipality.
- D. **Protective Covenants** – Protective covenants, which apply to all the area as shown by the recorded plat shall be recorded in the land records and referenced on the recorded plat.

Article 6A. ADDITION PLAT

A. Addition Plat Required

- (1) The owner of a lot or parcel adds additional land to an existing lot or parcel.
- (2) Two (2) or more lots in the same ownership are effectively utilized so as to virtually eliminate the interior lot lines, such as by construction of a permanent structure across lot lines.
- (3) When the addition of land to an existing lot (original lot of record) is required in order to create a lot suitable for building.

B. General

- (1) An Addition Plat shall not be permitted or approved if the size of the resulting lot created by the addition is less than the minimum lot size required in its zoning district or if the resulting lot created by the addition violates any other zoning or health regulations.
- (2) All resulting lots and any remaining parcels created by an Addition Plat shall conform to all existing zoning regulations unless otherwise permitted as a pre-existing non-conforming condition.

- (3) When an addition parcel adjoins a public street or alley, a right of way dedication must be provided along the addition portion. Street improvements by the owner may be required by the planning commission as deemed necessary by the creation of the addition.
- (4) Building on the newly created addition parcel is permitted.

C. Platting Information

An Addition Plat shall contain the following information:

- (1) A boundary survey for the land to be added and for the lot or parcel to which the addition is to be added (based upon deed information) at a scale acceptable to the Planning and Zoning Staff.
- (2) For the original parcel from which the addition parcel is to be removed, the following information is required:
 - (a) If less than 25 acres remains after the addition parcel is removed:
 - (i) If unimproved land, a note placed on the plat stating that the remainder is not an approved building lot until the Health Department approves water and sewer services. A deed plotting shall also be required.
 - (ii) If improved land, it shall be platted as a lot in accordance with Health Department requirements.
 - (b) If 25 acres or more remain, platting of the remaining acreage is not required, although the vicinity map on the Addition Plat shall illustrate the remaining lands.
- (3) A vicinity map illustrating the location of the property with respect to surrounding property and streets at a scale no smaller than one inch equals one thousand feet (1' = 1000'). Tax Map and Parcel Numbers shall be included.
- (4) The name(s) of the owner(s) and Liber and folio deed references for all adjoining property. If a recorded subdivision adjoins the land, the Addition Plat shall state the subdivision name, lot number, block number and reference.
- (5) North Point.

- (6) Title block, which shall include the following information:
 - (a) Label stating “Addition Plat”
 - (b) Proposed name.
 - (c) Scale of plat as measured in feet.
 - (d) Street location.
 - (e) Election District by name, number, city, county and state.
 - (f) Date.
- (7) Name, address and phone number of the owner(s).
- (8) Name, address and telephone number of the registered surveyor providing the plat information who shall be licensed in the State of Maryland.
- (9) A surveyor’s certification stating how, when, and from whom the present owner(s) obtained the land and stating that the plat as shown is correct. The language of the certification shall be specified by the City Planning and Zoning Staff.
- (10) A notarized certification by the owner(s) of the property and by all of those having a lien or other interest in the property that the subdivision, as shown on the Addition Plat, is made with the owner’s consent, and stating their intention to record the plat. The language of the certification shall be specified by the City Planning and Zoning Staff.
- (11) Any recorded easements on the property with recording information.
- (12) If street or alley dedication is required, drafting information for dedicated areas as described in Article 6 of the Subdivision Regulations.
- (13) The following notation which shall be dated and signed by the Chairperson of the City Planning Commission: “To the clerk of the court - This plat complies with Article 6A of the City of Brunswick Subdivision Regulations”.
- (14) All driveways, septic systems, wells and other man made structures which are located within one hundred feet (100’) of the addition parcel or the original land from which the transfer was

made. If there are no such structures, then a notation stating that, within one hundred feet (100') of the addition parcel, there are none visible or shown in Health Department Records. Sanitary sewer, water, storm drains and stormwater structures do not need to be shown on the plat.

- (15) The location of all septic systems, well and building restriction lines on the lot to which the addition is being made.
- (16) A note stating that a six-foot drainage and utility easement is to be reserved along all resulting external lot lines.
- (17) A note stating that a confirmatory deed shall be recorded in the Frederick County Land Records and that the recorded Addition Plat shall be referenced in this and all successive deeds. A copy of the recorded confirmatory deed shall be provided to the city prior to the issuance of any zoning certificates or permits.

D. Recording

- (1) The Planning Commission shall approve Addition Plats and such approval shall be noted on the plat.
- (2) The approved Addition Plat shall be recorded in the Frederick County Land Records.
- (3) A confirmatory deed confirming the activity illustrated on the Addition Plat shall be recorded in the Frederick County Land Records, and the recorded plat shall be referenced in all successive deeds.

(Amended Ord. 405)

Article 7. ADMINISTRATION

7.1 **General** – The following offices of the government of the City of Brunswick are concerned with the administration of this ordinance:

- A. The Mayor and Council: The Mayor and Council are vested with the following responsibilities with regard to subdivision control:
 - 1. Amendment of the regulations of this ordinance when found necessary and desirable.
 - 2. Initiation of appropriate proceedings to enforce the provisions of this ordinance.

7.2 **The City Planning Commission:** The Planning Commission shall administer this ordinance, and in furtherance of said authority, shall:

- A. Maintain permanent and current records of this ordinance, including amendments thereto.
- B. Receive and file all preliminary plats and final plats (together with applications).
- C. Forward copies of the preliminary plat to other City, County, and State offices and agencies for their recommendations and report wherever appropriate.
- D. Receive, file, and check for compliance with regulations, all final plats.
- E. Make all other determinations required by the regulations herein.

Article 8. MODIFICATIONS AND EXCEPTIONS

8.1 **Hardship** – Where the Planning Commission finds that unusual hardships may result from strict compliance with these regulations, it may vary the regulations so the substantial justice may be done and the public interest secured.

Article 9. FEE SCHEDULE

9.1 **General** – The Mayor and Council shall have the authority to establish, by resolution, fees for subdivision related services specified in the subdivision regulations, and such fees shall be set forth in the Planning and Zoning Administrative Fee Schedule; provided, however, that in no event shall the fee charged be more than the costs incurred by the city for such services. Services and submissions for which fees may be established include, but are not limited to the following:

(a) Plat Fees:

- (1) Sketch/Concept Plan.
- (2) Preliminary Plan.
- (3) Final Plat.
- (4) Combined Preliminary/Final Plat.
- (5) All Other Plats Processed for Recordation.
- (6) Improvement Plans.
- (7) Plat Recording and Material Fess.
- (8) Extension Requests.
- (9) Modification Requests.
- (10) Text Amendments.
- (11) Document draft/review.

(b) No fees shall be charged to any Governmental Agency.

(Amended Ord. 404)

Article 10. AMENDMENTS

10.1 General – Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Mayor and Council may, after recommendation by the Planning Commission and subject to the procedure set forth in this Article, amend or supplement these regulations. Such amendments, or supplements, may be initiated by resolution of the Mayor and Council, by motion of the Planning Commission, or be petition of any property owner.

10.2 Amendment Procedure.

- A. Any proposed amendments or supplements originating with or received by the Mayor and Council shall first be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall research the issue, and may require the submission of pertinent information by the Applicant, and may hold public hearings in accordance with the Planning Commission By-Laws. The Planning Commission shall then submit its report and recommendation to the Mayor and Council within sixty (60) days of the referral, unless an extension of time is granted by the Mayor and Council.
- B. After receiving the recommendation of the Planning Commission on any proposed amendment, or supplement, and before adopting an amendment, the Mayor and Council shall hold a public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing, together with a summary of the proposed regulation shall be published in at least one (1) newspaper of general circulation in Brunswick once each week for two (2) successive weeks with the first such publication of notice appearing at least fourteen (14) days prior to the hearing.
- C. A regulation may not become effective until ten (10) days after the public hearing.
- D. The Mayor and Council shall take into consideration the Planning Commission's recommendation as well as the Applicant's comments and requests in its review of the proposed amendment. A complete record of the hearing and the votes of all members of the Mayor and Council shall be kept.
- E. The Mayor and Council shall make no change in or departure from the proposed amendment as recommended by the Planning Commission unless the issue is resubmitted to the Planning Commission for its further recommendations. No amendment or supplement shall be adopted contrary to the recommendations of the Planning Commission except by a two-thirds (2/3)-majority vote of the Mayor and Council.

Article 11. SAVINGS CLAUSE

11.1 General – If an article, section, subsection, clause, or phrase of these regulations is for any reason held unconstitutional or void, such decision shall not invalidate the remaining portions of the regulations.